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## CONTENTS

	<u>Page</u>
Congressional Quiz	ii
Around The Capitol	1257
Committee Roundup	1259
Pressures On Congress	1261
Political Notes	1262
Presidential Report	1263
What's Ahead	iii
Week In Congress	iv

## Depressed Areas Veto: Political Repercussions

Page 1251

### *Formosa Debate*

General Developments . . . . . Page 1257

Congressional Comment . . . . . Page 1257

Citizens' Groups Formed . . . . . Page 1261

Nixon Charges . . . . . Page 1262

President's Remarks . . . . . Page 1263

## BATTLE OVER PASSPORTS

Page 1252

### *Text of Little Rock Opinion*

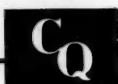
Page 1254

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*The Authoritative Reference on Congress*

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# Congressional Quiz

## POLITICAL PARTIES

State governors who met recently at the Southern Governors' Conference said formation of a Southern "third party" for the 1960 Presidential election was unlikely. In the past, however, many minor parties have run candidates in national elections. What do you know about big and little political parties in American history? Try for four correct answers.

1. Q--Parties with the name "Progressive" won over a million votes for Presidential candidates three times in the 20th century. One polled the highest vote ever won by a third party Presidential candidate. Can you name two of the three candidates?

A--Theodore Roosevelt ran as a Progressive in 1912, polling 4,127,788 votes; Robert M. LaFollete Sr. ran as a Progressive in 1924, polling 4,831,470 votes; and Henry A. Wallace ran as a Progressive in 1948, polling 1,157,063 votes. Vincent Hallinan also ran as a Progressive in 1952 but got less than a million votes.

2. Q--Since Abraham Lincoln, there have been only four Democratic Presidents (not counting Andrew Johnson, a "War Democrat" who ran with Lincoln on the Republican ticket). Can you name them?

A--Grover Cleveland, Woodrow Wilson, Franklin Delano Roosevelt and Harry S. Truman. In the same period there have been 12 Republican Presidents: Grant, Hayes, Garfield, Arthur, Harrison, McKinley, Theodore Roosevelt, Taft, Harding, Coolidge, Hoover, Eisenhower.

3. Q--Aside from the Federalist party, only one other party without the words "Democrat" or "Republican" in its name has ever elected an American President: the Whigs, in 1840 and 1848.

The two winning Whigs were (a) William Henry Harrison; (b) Zachary Taylor; (c) Franklin Pierce; (d) James K. Polk; (e) Martin Van Buren?

A--(a) and (b). Pierce, Polk and Van Buren were Democrats.

4. Q--Two men between them ran for the Presidency 11 times in the 20th century as candidates of the Socialist party. Can you name either of the men?

A--Eugene V. Debs and Norman Thomas, both Socialist party candidates. Debs ran in 1900, 1904, 1908, 1912 and 1920, Thomas every election from 1928 to 1948.

5. Q--The so-called "Dixiecrats" ran a candidate in 1948 who won over a million popular votes and 39 electoral votes. He was (a) Strom Thurmond; (b) James Byrnes; (c) Theodore Bilbo?

A--(a). Thurmond currently is Democratic Senator from South Carolina.

6. Q--In New York state, one minor party in the past decade has played a major role in local politics, usually supporting the Democratic nominee and giving him 200,000 or more votes. Experts say a Democrat is unlikely to win a state race without support from this party, which is called the (a) Farmer-Labor party; (b) Liberal party; (c) Constitutional Rights party?

A--(b). The Liberals occasionally run their own candidates -- for example, Dr. George S. Counts, who ran for Senator in 1952. This year they are supporting the Democrats in nearly all the statewide races.

## CONGRESSIONAL QUARTERLY

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## GOP SMARTS UNDER DEPRESSED AREA VETO

Two days after President Eisenhower vetoed the Douglas-Payne area development bill Sept. 6, its Republican co-author, Sen. Frederick G. Payne, was defeated in his bid for reelection in the Maine general election. Also defeated on Sept. 8 was Rep. Robert Hale (R Maine), one of 49 GOP Members who voted against recommitting or killing the bill Aug. 15. This sequence of events suggests that others among the 49, all but five of whom represent districts which include areas of substantial labor surplus, may be in for trouble on Nov. 4.

Federal aid for the Nation's so-called depressed areas -- chiefly coal and textile centers in the East and Midwest suffering from chronic unemployment, and rural areas of the South -- was first proposed in 1955. In 1958, Sen. Payne joined Sen. Paul H. Douglas (D Ill.) in sponsoring a bill (S 3683) carrying \$380 million in loans and grants for these areas. The Senate passed the measure May 13, 46-36 (D 29-12; R 17-24). The House Banking and Currency Committee cut out a \$100-million loan fund for public facilities, and the House passed the revised bill Aug. 15 by a 176-130 standing vote, after rejecting a motion to recommit S 3683 by a 170-188 roll-call vote (D 54-139; R 116-49). The Senate accepted the House version Aug. 22, sending it to the President, who allowed it to die Sept. 6 without his signature. (Weekly Report p. 1216)

The President, who had called for a \$50-million loan program for depressed areas, criticized several provisions of S 3683 and pointed out that it would have been of no immediate help, in any event, since Congress had adjourned without appropriating the necessary funds. "Until the next session of Congress," he added, "the needs of areas of severe and persistent unemployment can be met in part through the new program of loans to state and local development companies under the Small Business Investment Act of 1958." But the Small Business Administration says it will be several months before it can disburse funds under this program. (Weekly Report p. 1066)

During House debate on S 3683, Rep. Kenneth J. Gray (D Ill.) recalled that in 1956 "the Republicans sent 19 national speakers" into his district in an effort to defeat him. "All of them had the same war cry, 'Give Ike a Republican Congress so we can help you good people of Southern Illinois.'... (Yet) we find today almost all of the Republican leadership lined up solidly against this bill."

According to a tabulation introduced by Rep. Daniel J. Flood (D Pa.), based on July unemployment figures, 22 of the 49 GOP members who supported the bill came from districts eligible for aid under its terms, while another 22 represented districts which, although not eligible, contained areas of substantial labor surplus. (See next column). Among those who appear most vulnerable to defeat, on the basis of the past three elections, are four members of the first group (Vursell, Nimtz, Hyde, and McIntosh) whose winning margins in 1956 were less than the drop in the GOP share of the vote between 1952 and 1954. Any additional decline in the GOP vote caused by the President's veto would mean trouble for several other Members.

Of the 49 Republican Representatives who voted Aug. 15 against killing the Douglas-Payne area development bill (S 3683), 44 came from districts containing areas of substantial labor surplus as of July. Half of these (Group I) would have been eligible for assistance under the terms of the bill, while the other half (Group II) would not have been eligible.

GROUP I		GOP Share of Vote			
		Incumbent	1956	1954	1952
Conn.	2	Seely-Brown	59.1%	50.7%	55.5%
Ill.	23	Vursell	52.6	52.9	58.1
Ind.	7	Bray	57.2	55.4	56.1
	6	Harden	55.0	52.5	55.7
	3	Nimtz	53.1	50.4	54.5
Kan.	3	George	55.0	55.4	59.5
Ky.	8	Siler	71.7	63.4	68.8
Maine	1	Hale (a)	50.0	52.1	61.6
Md.	6	Hyde	54.3	51.4	57.8
Mass.	5	Rogers	73.3	X	75.9
Mich.	12	Bennett	56.3	55.9	58.2
	7	McIntosh	53.7	52.8	60.3
Pa.	17	Bush	58.6	56.5	61.1
	10	Carrigg	55.8	50.5	53.6
	12	Fenton	56.5	55.5	60.7
	23	Gavin	66.2	61.9	67.8
	16	Mumma	60.5	59.8	61.7
	22	Saylor	56.9	51.9	52.4
	20	Van Zandt	63.0	56.3	62.8
	6	Scott (b)	51.5	50.6	51.7
Tenn.	2	Baker	X	58.0	68.9
W. Va.	1	Moore	50.3	52.7†	52.9†
GROUP II					
Conn.	4	Morano	68.4	57.6	60.1
	5	Patterson	61.9	52.8	56.7
Ky.	3	Robsion	57.4	50.2	54.0
Mass.	1	Heselton (c)	63.6	55.6	67.1
Mich.	11	Knox	56.1	54.9	59.3
N. J.	8	Canfield	60.8	54.8	62.6
	6	Dwyer	50.6	56.1†	63.9
	12	Kean (b)	69.7	53.1	54.8
	9	Osmers	67.8	60.2	66.2
	7	Widnall	70.7	62.2	68.3
	1	Wolverton (c)	58.3	54.3	55.0
N. Y.	31	Taylor	71.8	66.2	70.6
	12	Dorn	57.6	51.3	52.7
	25	Fino	59.4	50.4	50.1
Pa.	29	Corbett	64.7	60.6	61.7
	8	Curtin	55.9	51.2	59.3
	9	Dague	68.4	62.6	66.2
	27	Fulton	66.0	62.8	62.6
Wash.	5	Horan	53.8	58.6	56.0
	6	Tollefson	54.0	55.2	59.8
Wis.	10	O'Konski	64.6	59.7	67.4
	3	Withrow	61.2	62.1	75.1

X No major party opposition

† Democratic winner's share of vote

(a) Defeated Sept. 8, 1958 in general election

(b) Running for the Senate

(c) Not seeking reelection in 1958

## PASSPORT DENIAL BATTLE WILL CONTINUE

President Eisenhower is expected to ask the 86th Congress to enact the same passport legislation (S 4110) he recommended without success to the 85th Congress. "Each day and week that passes without it exposes us to great danger," the President told the legislators July 7 in urging prompt action on the Administration bill. Six months will have passed by the time Congress reconvenes Jan. 7 -- time enough in which to test the validity of the President's warning. (For text of message, Weekly Report p. 905)

At stake is the power of the Secretary of State to deny passports to American Communists. Congress never gave him that authority, according to a Supreme Court ruling June 16 in the Kent and Briehl cases. The decision left him "powerless to deny passports to known members of the Communist party or to those who have had a long and proven record of Communist activities," Deputy Under Secretary Robert D. Murphy told the Senate Foreign Relations Committee July 16.

More than 400 such persons received passports in the three-month period following the June 16 decision; in no case was an application for a passport denied. Any evidence that the activities of these travelers while abroad have been harmful to the national interest will enhance prospects that Congress in 1959 will approve a passport bill acceptable to the Administration.

### Background

Authority to "grant and issue passports" was lodged with the Secretary of State in 1856. Not until 1918, however, were U.S. citizens required to have a passport to leave or enter the country. That requirement lapsed in 1921 but was revived in 1941, at the start of World War II. Under a 1952 law, so long as a state of national emergency proclaimed by the President remains in force, it is "unlawful for any citizen of the United States to depart from or enter, or attempt to depart from or enter, the United States unless he bears a valid passport." The state of emergency proclaimed during the Korean War remains in effect; so, too, does the passport provision.

The law is largely silent regarding authority to deny or withdraw passports. In 1902 Congress decided that "no passport shall be granted or issued to or verified for any other person than those owing allegiance, whether citizens or not, to the United States." A substantial body of precedent has confirmed the Secretary's authority to deny passports in cases involving disputed citizenship, attempts to evade criminal process, passport fraud and similar matters.

### Passport Regulations

The 1950 Internal Security Act, enacted over President Truman's veto, included a provision barring the issuance of passports to members of organizations determined by the Subversive Activities Control Board to be under Communist control. The SACB has yet to

designate such groups, however, so the passport provision is without legal force.

With the 1950 law on the books, nevertheless, the State Department proceeded to incorporate a similar provision in its revised passport regulations in 1952. Section 51.135 stipulated as follows:

"In order to promote the national interest by assuring that persons who support the world Communist movement of which the Communist party is an integral unit may not, through use of United States passports, further the purposes of that movement, no passport, except one limited for direct and immediate return to the United States, shall be issued to:

"(a) Persons who are members of the Communist party or who have recently terminated such membership under such circumstances as to warrant the conclusion -- not otherwise rebutted by the evidence -- that they continue to act in furtherance of the interests and under the discipline of the Communist party;

"(b) Persons, regardless of the formal state of their affiliation with the Communist party, who engage in activities which support the Communist movement under such circumstances as to warrant the conclusion -- not otherwise rebutted by the evidence -- that they have engaged in such activities as a result of direction, domination, or control exercised over them by the Communist movement;

"(c) Persons, regardless of the formal state of their affiliation with the Communist party, as to whom there is reason to believe, on the balance of all the evidence, that they are going abroad to engage in activities which will advance the Communist movement for the purpose, knowingly and willfully, of advancing that movement."

Section 51.142 provided further that an applicant "may be required, as a part of his application, to subscribe, under oath or affirmation, to a statement with respect to present or past membership in the Communist party. If applicant states that he is a Communist, refusal of a passport in his case will be without further proceedings."

### Supreme Court Decision

The Supreme Court's decision of June 16 concerned the denial of passports to Rockwell Kent, the artist, and Dr. Walter Briehl, a psychiatrist. The State Department alleged that both men were Communists and faithful supporters of the party line. Both were given hearings but were denied passports when they refused to submit affidavits prescribed in Section 51.142. Kent and Briehl sued and lost their cases in District Court; the Court of Appeals, hearing the two cases together, affirmed the judgment.

In reversing the lower courts, the Supreme Court divided, 5-4. Justice William O. Douglas wrote the majority opinion, and was joined by Chief Justice Earl Warren and Justices Hugo L. Black, Felix Frankfurter and William J. Brennan Jr. The dissenting opinion,



written by Justice Tom C. Clark, was supported by Justices Harold H. Burton, John Marshall Harlan and Charles Evans Whittaker. Excerpts follow:

**Majority:** "The right to travel is a part of the 'liberty' of which the citizen cannot be deprived without the due process of law of the Fifth Amendment.... We need not decide the extent to which it can be curtailed. We are first concerned with the extent, if any, to which Congress has authorized its curtailment.... The grounds for refusal asserted here do not relate to citizenship or allegiance on the one hand or to criminal or unlawful conduct on the other.... We, therefore, hesitate to impute to Congress, when in 1952 it made a passport necessary for foreign travel and left its issuance to the discretion of the Secretary of State, a purpose to give him unbridled discretion to grant or withhold a passport from a citizen for any substantive reason he may choose....

"If we were dealing with political questions entrusted to the Chief Executive by the Constitution we would have a different case.... In part, of course, the issuance of the passport carries some implication of intention to extend the bearer diplomatic protection.... But that function of the passport is subordinate. Its crucial function today is control over exit.... Where activities or enjoyment, natural and often necessary to the wellbeing of an American citizen, such as travel, are involved, we will construe narrowly all delegated powers that curtail or dilute them....

"Thus we do not reach the question of constitutionality.... The only law which Congress has passed expressly curtailing the movement of Communists across our borders has not yet become effective.... We would be faced with important constitutional questions were we to hold that Congress by Section 1185 (the 1952 law) and Section 211A (the 1856 law) had given the Secretary authority to withhold passports to citizens because of their beliefs or associations. Congress has made no such provision in explicit terms; and absent one, the Secretary may not employ that standard to restrict the citizens' right of free movement."

**Dissent:** "The peacetime practice of the State Department indisputably involved denial of passports for reasons of national security.... Were this a time of peace, there might very well be no problem for us to decide, since petitioners then would not need a passport to leave the country. The very structure of Section 215 (of the 1952 law, codified as Section 1185) is such that either war or national emergency is prerequisite to imposition of its restrictions. Indeed, rather than being irrelevant, the wartime practice may be the only relevant one, for...only in such times has passport power necessarily meant power to control travel."

## Administration Bill

The Kent-Briehl decision invalidated Section 51.135 of the passport regulations, and the State Department promptly decided to issue passports to Kent, Briehl and all other applicants who might have been turned down for similar reasons.

In theory, the Secretary might still deny a passport application under the terms of Section 51.136, added to the regulations in 1956, which provides: "In order to promote and safeguard the interests of the United States, passport facilities, except for direct and immediate return to the United States, will be refused to a person when it appears to the satisfaction of the Secretary of

State that the person's activities abroad would: (a) violate the laws of the United States; (b) be prejudicial to the orderly conduct of foreign relations; or (c) otherwise be prejudicial to the interests of the United States."

Roderic L. O'Connor, administrator of the Department's Bureau of Security and Consular Affairs, wrote the Senate Judiciary Committee July 14 that Section 51.136, while not at issue in the Supreme Court decision, would be of little value as a basis for denying a passport to any applicant suspected of being an espionage agent since "in practice the Department will seldom be in a position to present to the courts sufficient evidence of espionage to justify such a denial." It was also apparent that there was no more legislative sanction for the provisions of Section 51.136 than for those of 51.135.

The Administration bill (S 4110), drafted by the State and Justice Departments and introduced July 8, would have authorized the Secretary to "issue, renew, deny or revoke passports." The comprehensive measure spelled out various categories of persons to whom passports might be denied, including anyone who "knowingly engages or has engaged, within ten years prior to filing the passport application, in activities in furtherance of the international Communist movement." It also gave the Secretary specific authority to place geographical limitations on the use of passports, subject to penalties for travel in off-limit areas.

## Legislative Impasse

Objections to the Administration bill centered on the almost unlimited discretion given to the Secretary of State to deny passports -- if necessary, on the basis of secret information not subject to court review. "What this bill does," the American Civil Liberties Union said, "in order to keep the real rats from reaching the beach, is to set up barriers which can keep everyone from the water."

The Senate Foreign Relations Committee Aug. 6 decided to postpone further consideration of the bill until 1959. The House Foreign Affairs Committee, however, reported a much more limited bill Aug. 21, which the House passed Aug. 23 (HR 13760 -- H Rept 2684). This measure, in effect, provided legislative authorization for Section 51.135 of the passport regulations, the lack of which laid the basis for the Supreme Court's June 16 ruling. But the Senate failed to act on the House bill before adjourning Aug. 24, reportedly because Sen. Wayne Morse (D Ore.) had threatened a filibuster if it were brought up. (Weekly Report p. 1143)

The tenor of the Court's June 16 decision suggests that, sooner or later, any legislative curb on the right to travel will invite challenge on constitutional grounds. Such a challenge is already involved in the Worthy case, now in litigation. William Worthy, a newspaper correspondent, traveled to Communist China (an off-limits area) early in 1957. When he applied for renewal of his passport, he was asked if he would abide by geographical limitations in the future. He said he would not, his application was denied and he sued. As in the Kent and Briehl cases, however, the Supreme Court -- if and when it gets the Worthy case -- may never reach the constitutional issue. But it seems likely that at some point the Court will have to pass on the validity of any authority Congress chooses to give the Secretary of State to restrict the travel of American citizens in the interests of national security.

## INTEGRATION

### TEXT OF THE SUPREME COURT'S LITTLE ROCK OPINION

*Following is the complete text of the U.S. Supreme Court's opinion in the Little Rock, Ark., integration case. The opinion, signed by all nine justices, was handed down Sept. 29 (Weekly Report p. 1257):*

Opinion of the Court by the Chief Justice, Mr. Justice Black, Mr. Justice Frankfurter, Mr. Justice Douglas, Mr. Justice Burton, Mr. Justice Clark, Mr. Justice Harlan, Mr. Justice Brennan and Mr. Justice Whittaker.

As this case reaches us it raises questions of the highest importance to the maintenance of the Federal system of Government. It necessarily involves a claim by the Governor and legislature of a state that there is no duty on state officials to obey Federal court orders resting on this Court's considered interpretation of the United States Constitution.

Specifically it involves actions by the Governor and legislature of Arkansas upon the premise that they are not bound by our holding in *Brown v. Board of Education*, 347 U.S. 483. That holding was that the 14th Amendment forbids states to use their governmental powers to bar children on racial grounds from attending schools where there is state participation through any arrangement, management, funds or property.

We are urged to uphold a suspension of the Little Rock School Board's plan to do away with segregated public schools in Little Rock until states laws to upset and nullify our holding in *Brown v. Board of Education* have been further challenged and tested in the Court. We reject these contentions.

The case was argued before us on Sept. 11, 1958. On the following day we unanimously affirmed the judgment of the Court of Appeals for the Eighth Circuit, -- f.2d --, which had reversed a judgment of the District Court for the Eastern District of Arkansas, 163 f. Supp. 13. The District Court had granted the application of the petitioners, the Little Rock School Board and school superintendent, to suspend for two and one-half years the operation of the school board's court-approved desegregation program. In order that the school board might know, without doubt, its duty in this regard before the opening of school, which had been set for the following Monday, Sept. 15, 1958, we immediately issued the judgment, reserving the expression of our supporting views to a later date. This opinion of all the members of the Court embodies those views.

The following are the facts and circumstances so far as necessary to show how the legal questions are presented.

On May 17, 1954, this Court decided that enforced racial segregation in the public schools of a state is a denial of the equal protection of the laws enjoined by the 14th Amendment. *Brown v. Board of Education*, 347 U.S. 483. The Court postponed, pending further argument, formulation of a decree to effectuate this decision. That decree was rendered May 31, 1955. *Brown v. Board of Education*, 349 U.S. 294. In the formulation of that decree the Court recognized that good faith compliance with the principles declared in *Brown* might in some situations "call for elimination of a variety of obstacles in making the transition to school systems operated in accordance with the constitutional principles set forth in our May 17, 1954, decision." The Court went on to state:

"Courts of equity may properly take into account the public interest in the elimination of such obstacles in a systematic and effective manner. But it should go without saying that the vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them.

#### "PROMPT AND REASONABLE" COMPLIANCE

"While giving weight to these public and private considerations, the courts will require that the defendants make a prompt and reasonable start toward full compliance with our May 17, 1954, ruling. Once such a start has been made, the courts may find that additional time is necessary to carry out the ruling in an effective manner. The burden rests upon the defendants to establish that such time is necessary in the public interest and is consistent with good faith compliance at the earliest practicable date. To that end, the courts may consider problems related to administration, arising from the physical condition of the school plant, the school transportation system, personnel, revision of school districts and attendance areas into compact units to achieve a system of determining admission to the public schools on a non-racial basis, and revision of local laws and regulations which may be necessary

in solving the foregoing problems." 349 U.S., at 300-301.

Under such circumstances, the district courts were directed to require "a prompt and reasonable start toward full compliance," and to take such action as was necessary to bring about the end of racial segregation in the public schools "with all deliberate speed." *Ibid.* Of course, in many locations, obedience to the duty of desegregation would require the immediate general admission of Negro children, otherwise qualified as students for their appropriate classes, at particular schools. On the other hand, a district court, after analysis of the relevant factors (which, of course, excludes hostility to racial desegregation), might conclude that justification existed for not requiring the present nonsegregated admission of all qualified Negro children. In such circumstances, however, the court should scrutinize the program of the school authorities to make sure that they had developed arrangements pointed toward the earliest practicable completion of desegregation and had taken appropriate steps to put their program into effective operation. It was made plain that delay in any guise in order to deny the constitutional rights of Negro children could not be countenanced, and that only a prompt start, diligently and earnestly pursued, to eliminate racial segregation from the public schools could constitute good faith compliance. State authorities were thus duty bound to devote every effort toward initiating desegregation and bringing about the elimination of racial discrimination in the public school system.

#### BOARD ACTION

On May 20, 1954, three days after the first *Brown* opinion the Little Rock District School Board adopted, and on May 23, 1954, made public a statement of policy entitled "Supreme Court Decision -- Segregation in Public Schools." In this statement the board recognized that:

"It is our responsibility to comply with Federal constitutional requirements and we intend to do so when the Supreme Court of the United States outlines the method to be followed."

Thereafter the board undertook studies of the administrative problems confronting the transition to a desegregated public school system at Little Rock. It instructed the superintendent of schools to prepare a plan for desegregation and approved such a plan on May 24, 1955, seven days before the second *Brown* opinion. The plan provided for desegregation at the senior high school level (grades 10 through 12) as the first stage. Desegregation at the junior high and elementary levels was to follow. It was contemplated that desegregation at the high school level would commence in the fall of 1957 and the expectation was that complete desegregation of the school system would be accomplished by 1963. Following the adoption of this plan, the superintendent of schools discussed it with a large number of citizen groups in the city. As a result of these discussions, the board reached the conclusion that "a large majority of the residents" of Little Rock were of "the belief that the plan, although objectionable in principle," from the point of view of those supporting segregated schools, "was still the best for the interests of all pupils in the district."

Upon challenge by a group of Negro plaintiffs desiring more rapid completion of the desegregation process, the District Court upheld the School Board's plan, *Aaron v. Cooper*, 143 F. Supp. 855. The Court of Appeals affirmed 243 F. 2D361. Review of that judgment was not sought here.

While the school board was thus going forward with its preparation for desegregating the Little Rock school system, other state authorities, in contrast, were actively pursuing a program designed to perpetuate in Arkansas the system of racial segregation which this Court had held violated the 14th Amendment. First came, in November 1956, an amendment to the state constitution flatly commanding the Arkansas General Assembly to oppose "in every constitutional manner the unconstitutional desegregation decisions of May 17, 1954 and May 31, 1955 of the United States Supreme Court," Ark. Const. Amend. 44, and, through the initiative, a Pupil Assignment Law, Ark. Stat. 80-1519 to 80-1524. Pursuant to the constitutional command, a law establishing a State Sovereignty Commission, Ark. Stat. 6-801 to 6-824, was enacted by the General Assembly in February 1957.

The school board and the superintendent of schools nevertheless continued with preparations to carry out the first stage of the desegregation program. Nine Negro children were scheduled for admission in September 1957, to Central High School, which has more than 2,000 students. Various administrative measures, designed to assure the smooth transition of this first stage of desegregation were undertaken.

On Sept. 2, 1957, the day before these Negro students were to enter Central High, the school authorities were met with drastic opposing action on the part of the Governor of Arkansas who dispatched units of the Arkansas National Guard to the Central High School grounds, and placed the school "off limits" to colored students. As found by the District Court in subsequent proceedings, the Governor's action had not been requested by the school authorities and was entirely unheralded. The findings were these:

"Up to this time (Sept. 2), no crowds had gathered about Central High School and no acts of violence or threats of violence in connection with the carrying out of the plan had occurred. Nevertheless, out of an abundance of caution, the school authorities had frequently conferred with the mayor and chief of police of Little Rock about taking appropriate steps by the Little Rock police to prevent any possible disturbances or acts of violence in connection with the attendance of the nine colored students at Central High School. The mayor considered that the Little Rock police force could adequately cope with any incidents which might arise at the opening of school. The Mayor, the Chief of Police and the school authorities made no request to the Governor or any representative of his for state assistance in maintaining peace and order at Central High School. Neither the Governor nor any other official of the state government consulted with the Little Rock authorities about whether the Little Rock police were prepared to cope with any incidents which might arise at the school, about any need for state assistance in maintaining peace and order, or about stationing the Arkansas National Guard at Central High School. *Aaron v. Cooper*, 156 F. Supp. 220, 225.

The board's petition for postponement in this proceeding states:

"The effect of that action (of the Governor) was to harden the core of opposition to the plan and cause many persons who theretofore had reluctantly accepted the plan to believe that there was some power in the state of Arkansas which, when exerted, could nullify the Federal law and permit disobedience of the decree of this (District) Court, and from that date hostility to the plan was increased and criticism of the officials of the (school) district has become more bitter and unrestrained."

The Governor's action caused the school board to request the Negro students on Sept. 2 not to attend the high school "until the legal dilemma was solved." The next day, Sept. 3, 1957, the board petitioned the District Court for instructions, and the court, after a hearing, found that the board's request of the Negro students to stay away from the high school had been made because of the stationing of the military guards by the state authorities. The court determined that this was not a reason for departing from the approved plan, and ordered the school board and superintendent to proceed with it.

On the morning of the next day, Sept. 4, 1957, the Negro children attempted to enter the high school but, as the District Court later found, units of the Arkansas National Guard "acting pursuant to the Governor's order, stood shoulder to shoulder at the school grounds and thereby forcibly prevented the nine Negro students from entering," as they continued to do every school day during the following three weeks. 156 f. supp., at 225.

That same day, Sept. 4, 1957, the United States Attorney for the Eastern District of Arkansas was requested by the District Court to begin an immediate investigation in order to fix responsibility for the interference with the orderly implementation of the District Court's decision to carry out the desegregation program. Three days later, Sept. 7, the District Court denied a petition of the school board and the superintendent of schools for an order temporarily suspending continuance of the program.

#### ATTORNEY GENERAL'S PETITION

Upon completion of the United States Attorney's investigation, he and the Attorney General of the United States, at the District Court's request, entered the proceedings and filed a petition on behalf of the United States, as *amicus curiae*, to enjoin the Governor of Arkansas and officers of the Arkansas National Guard from further attempts to prevent obedience to the court's order.

After hearings on the petition, the District Court found that the School Board's plan had been obstructed by the Governor through the use of National Guard troops, and granted a preliminary injunction on Sept. 20, 1957, enjoining the Governor and the officers of the guard from preventing the attendance of Negro children at Central High School, and from otherwise obstructing or interfering with the orders of the court in connection with the plan. 156 Supp. 220, affirmed, *Faubus v. United States*, 254 F. 2d 797. The National Guard was then withdrawn from the school.

The next school day was Monday, Sept. 23, 1957. The Negro children entered the high school that morning under the protection of the Little Rock police department and members of the Arkansas state police. But the officers caused the children to be removed from the school during the morning because they had difficulty controlling a large and demonstrating crowd which had gathered at the high school. 163 F. Supp., at 16. On Sept. 25, however, the President of the United States dispatched Federal troops to Central High School and admission of the Negro students to the school was thereby effected. Regular Army troops continued at the high school until Nov. 27, 1957. They were then replaced by Federalized National Guardsmen who remained throughout the balance of the school year. Eight of the Negro students remained in attendance at the school throughout the school year.

#### SCHOOL BOARD PETITION

We come now to the aspect of the proceedings presently before us. On Feb. 20, 1958, the school board and the superintendent of schools filed a petition in the District Court seeking a postponement of their program for desegregation. Their position in essence was that because of extreme public hostility, which they stated had been engendered largely by the official attitudes and actions of the Governor and the legislature, the maintenance of a sound educational program at Central High School, with the Negro students in attendance, would be impossible.

The board therefore proposed that the Negro students already admitted to the school be withdrawn and sent to segregated schools, and that all further steps to carry out the board's desegregation program be postponed for a period later suggested by the board to be two and one-half years.

After a hearing the District Court granted the relief requested by the board. Among other things the court found that the past year at Central High School had been attended by conditions of "chaos, bedlam and turmoil"; that there were "repeated incidents of more or less serious violence directed against the Negro students and their property"; that there was "tension and unrest among the school administrators, the classroom teachers, the pupils and the latter's parents, which inevitably had an adverse effect upon the educational program"; that a school official was threatened with violence; that a "serious financial burden" had been cast on the school district; that the education of the students had suffered "and under existing conditions will continue to suffer"; that the board would continue to need "military assistance or its equivalent"; that the local police department would not be able "to detail enough men to afford the necessary protection" and that the situation was "intolerable." 163 F. Supp., at 20-25.

The District Court's judgment was dated June 20, 1958. The Negro respondents appealed to the Court of Appeals for the Eighth Circuit and also sought there a stay of the District Court's judgment. At the same time they filed a petition for certiorari in this court asking us to review the District Court's judgment without awaiting the disposition of their appeal to the Court of Appeals, or of their petition to that court for a stay. That we declined to do. 357 U.S. 566.

The Court of Appeals did not act on the petition for a stay but on Aug. 18, 1958, after convening in special session on Aug. 4 and hearing the appeal, reversed the District Court -- F. 2d. On Aug. 21, 1958, the Court of Appeals stayed its mandate to permit the School Board to petition this court for certiorari. Pending the filing of the school board's petition for certiorari, the Negro respondents, on Aug. 23, 1958, applied to Mr. Justice Whitaker, as Circuit Justice for the Eighth Circuit, to stay the order of the Court of Appeals withholding its own mandate and also to stay the District Court's judgment. In view of the nature of the motions, he referred them to the entire Court.

Recognizing the vital importance of a decision of the issues in time to permit arrangements to be made for the 1958-59 school year, see *Aaron v. Cooper*, 357 U.S. 566, 567, we convened in



special term on Aug. 28, 1958, and heard oral argument on the respondent's motions, and also argument of the Solicitor General who, by invitation, appeared for the United States as amicus curiae, and asserted that the Court of Appeals' judgment was clearly correct on the merits, and urged that we vacate its stay forthwith.

Finding that respondent's application necessarily involved consideration of the merits of the litigation, we entered an order which deferred decision upon the motions pending the disposition of the school board's petition for certiorari, and fixed Sept. 8, 1958, as the day on or before which such petition might be filed, and Sept. 11, 1958, for oral argument upon the petition. The petition for certiorari, duly filed, was granted in open court on Sept. 11, 1958 -- U.S. -- and further arguments were had, the Solicitor General again urging the correctness of the judgment of the Court of Appeals.

On Sept. 12, 1958, as already mentioned, we unanimously affirmed the judgment of the Court of Appeals in the per curiam opinion set forth in the margin at the outset of this opinion.

In affirming the judgment of the Court of Appeals, which reversed the District Court, we have accepted without reservation the position of the school board, the superintendent of schools and their counsel that they displayed entire good faith in the conduct of these proceedings and in dealing with the unfortunate and distressing sequence of events which has been outlined.

We likewise have accepted the findings of the District Court as to the conditions at Central High School during the 1957-1958 school year, and also the findings that the educational progress of all the students, white and colored, of that school has suffered and will continue to suffer if the conditions which prevailed last year are permitted to continue.

The significance of these findings, however, is to be considered in the light of the fact, indisputably revealed by the record before us, that the conditions they depict are directly traceable to the actions of legislators and executive officials of the State of Arkansas, taken in their official capacities, which reflect their own determination to resist this Court's decision in the Brown case and which have brought about violent resistance to that decision in Arkansas.

In its petition for certiorari filed in this Court, the school board itself describes the situation in this language:

"The legislative, executive and judicial departments of the state government opposed the desegregation of Little Rock schools by enacting laws, calling out troops, making statements vilifying Federal law and Federal courts and failing to utilize state law enforcement agencies and judicial processes to maintain public peace."

One may well sympathize with the position of the board in the face of the frustrating conditions which have confronted it, but, regardless of the board's good faith, the actions of the other state agencies responsible for those conditions compel us to reject the board's legal position.

Had Central High School been under the direct management of the state itself, it could hardly be suggested that those immediately in charge of the school should be heard to assert their own good faith as a legal excuse for delay in implementing the constitutional rights of these respondents, when vindication of those rights was rendered difficult or impossible by the actions of other state officials. The situation here is in no different posture because the members of the school board and superintendent of schools are local officials; from the point of view of the 14th Amendment, they stand in this litigation as the agents of the state.

#### CONSTITUTIONAL RIGHTS

The constitutional rights of respondents are not to be sacrificed or yielded to the violence and disorder which have followed upon the actions of the Governor and legislature.

As this Court said some 41 years ago in a unanimous opinion in a case involving another aspect of racial segregation:

"It is urged that this proposed segregation will promote the public peace by preventing race conflicts. Desirable as this is, and important as is the preservation of the public peace, this aim cannot be accomplished by laws or ordinances which deny rights created or protected by the Federal Constitution." *Buchanan v. Warley*, 245 U.S. 60, 81.

Thus law and order are not here to be preserved by depriving the Negro children of their constitutional rights. The record before

us clearly establishes that the growth of the board's difficulties to a magnitude beyond its unaided power to control is the product of state action. Those difficulties, as counsel for the board forthrightly conceded on the oral argument in this Court, can also be brought under control by state action.

The controlling legal principles are plain. The command of the 14th Amendment is that no "state" shall deny to any person within its jurisdiction the equal protection of the laws. "A state acts by its legislative, its executive, or its judicial authorities. It can act in no other way. The constitutional provision, therefore, must mean that no agency of the state, or of the officers or agents by whom its powers are exerted, shall deny to any person within its jurisdiction the equal protection of the laws. Whoever, by virtue of public position under a state government denies or takes away the equal protection of the laws, violates the constitutional inhibition; and as he acts in the name and for the state, and is clothed with the state's power, his act is that of the state. This must be so, or the constitutional prohibition has no meaning. *Ex parte Virginia*, 100 U.S. 339, 347.

#### 14th AMENDMENT

Thus the prohibitions of the 14th Amendment extend to all action of the state denying equal protection of the laws; whatever the agency of the state taking the action, see *Virginia v. Rives*, 100 U.S. 313; *Pennsylvania v. Board of Directors of City Trusts of Philadelphia*, 353 U.S. 230; *Shelley v. Kraemer*, 334 U.S. 1; or whatever the guise in which it is taken, see *Derrington v. Plummer*, 240 F. 2d 922; Department of Conservation and Development v. Tate, 231 F. 2d 615.

In short, the constitutional rights of children not to be discriminated against in school admission on grounds of race or color declared by this Court in the Brown case can neither be nullified openly and directly by state legislators or state executive or judicial officers, nor nullified indirectly by them through evasive scheme for segregation whether attempted "ingeniously or ingenuously." *Smith v. Texas*, 311 U.S. 128, 132.

What has been said, in the light of the facts developed, is enough to dispose of the case. However, we should answer the premise of the actions of the Governor and legislature that they are not bound by our holding in the Brown case. It is necessary only to recall some basic constitutional propositions which are settled doctrine.

Article VI of the Constitution makes the Constitution the "supreme law of the land." In 1803, Chief Justice Marshall, speaking for a unanimous court referring to the Constitution as "the fundamental and paramount law of the nation," declared in the notable case of *Marbury v. Madison*, 1 Cranch 137, 177, that "it is emphatically the province and duty of the judicial department to say what the law is." This decision declared the basic principle that the Federal judiciary is supreme in the exposition of the law of the Constitution, and that principle has ever since been respected by this Court and the country as a permanent and indispensable feature of our constitutional system.

It follows that the interpretation of the 14th Amendment enunciated by this Court in the Brown case is the supreme law of the land, and Art. VI of the Constitution makes it of binding effect on the states "any thing in the constitution or laws of any state to the contrary notwithstanding."

Every state legislator and executive and judicial officer is solemnly committed by oath taken pursuant to Art. VI, 3 "to support this Constitution." Chief Justice Taney, speaking for a unanimous court in 1859, said that the requirement reflected the framers' "anxiety to preserve it (the Constitution) in full force, in all its powers, and to guard against resistance to or evasion of its authority, on the part of a state." *Ableman v. Boot*, 21 How. 506, 524.

No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it.

Chief Justice Marshall spoke for a unanimous court in saying that:

"If the legislatures of the several states may, at will, annul the judgments of the Court of the United States, and destroy the rights acquired under those judgments, the Constitution itself becomes a solemn mockery." *United States v. Peters*, 5 Cranch 115, 136.

(Continued on p. 1266)



## INTEGRATION

President Eisenhower told his Oct. 1 news conference that it was "incumbent upon all Americans, public officials and private citizens alike, to recognize their duty of complying" with the Supreme Court's school integration rulings, and that any other course "would be fraught with grave consequences to our Nation." The President's remarks were in a prepared statement, and they came in the face of continued resistance to the Supreme Court's Sept. 12 ruling that integration must proceed in the Little Rock, Ark., high schools. (Weekly Report p. 1243; for text of President's news conference see p. 1263)

The Supreme Court Sept. 29 issued its opinion on its earlier ruling. It said the states could not nullify the integration decision either directly or through "evasive schemes" to maintain segregation. The unanimous opinion struck a direct blow at current plans in Arkansas to get around desegregation by leasing schools to private groups. It said state support of such schools "cannot be squared with the (14th) Amendment's command that no state shall deny to any person within its jurisdiction the equal protection of the laws." (For text of opinion see p. 1254)

Democratic Sens. Strom Thurmond (S.C.) and A. Willis Robertson (Va.) Sept. 27 said they would oppose any Congressional attempt to set guidelines for carrying out integration. Sen. Clifford P. Case (R N.J.) Sept. 27 said Congress should try to improve court procedures in integration.

In Little Rock, plans to open the high schools Sept. 30 as private institutions were blocked by a Sept. 29 Federal court restraining order. The order was issued pending an Oct. 6 hearing by an Appeals Court three-judge panel on a petition by the National Assn. for the Advancement of Colored People for an injunction to prevent the opening of segregated private schools. Little Rock citizens, in a Sept. 27 special referendum on integration, voted 19,470-7,561 in favor of school segregation.

In Virginia, a Federal Appeals Court Sept. 27 affirmed lower court school integration orders for Norfolk and Front Royal, and Gov. J. Lindsay Almond Jr. (D) Sept. 30 said he would announce shortly plans to reopen schools closed under the state's "massive resistance" program.

## LEBANON TROOP WITHDRAWAL

U.S. and British troops will be withdrawn from Lebanon and Jordan by the end of October, according to a Sept. 30 report by United Nations Secretary General Dag Hammarskjöld. Hammarskjöld said the U.S. had promised to withdraw troops from Lebanon by the end of October "if the situation improves sufficiently."

## KENTUCKY WATER PROJECTS

A Kentucky Congressional delegation Sept. 29 asked the Administration to schedule \$82 million for Kentucky water project spending in fiscal 1960. The delegation, which made its request to the Budget Bureau, included Sen. Thruston B. Morton (R) and Reps. William H. Natcher (D) and Carl D. Perkins (D).

## FORMOSA CRISIS

A possible change in United States policy in the Formosa crisis was indicated when Secretary of State John Foster Dulles told his Sept. 30 news conference the U.S. favored reducing Chinese Nationalist forces on the offshore island of Quemoy if the Chinese Communists would agree to a cease-fire, and that a renunciation of force should apply to both Nationalists and Communists. His statement came in the midst of heightened criticism of the Administration's Formosa policy, and was followed by President Eisenhower's Oct. 1 news conference statement that "we want a peaceful solution and fundamentally anyone can see that the two islands of themselves...are not greatly vital to Formosa." (Weekly Report p. 1243; for other Formosa stories see p. 1261, 1262, 1263)

Dulles also said the U.S. had "no commitment of any kind" to help the Nationalists return to the mainland.

Chiang Kai-shek, in an Oct. 2 interview, said he opposed any reduction in the island garrisons as the price of a cease-fire, and an official Formosan Foreign Ministry statement said the islands were an indispensable shield to Formosa and, "for this reason we must defend them to the best of our ability."

Dulles Oct. 2 told newsmen he had sent a message to the U.S. Ambassador in Formosa to "straighten out" misconceptions by "the press out there" and the Nationalists that "gave an exaggerated idea of a shift of position on our part."

The Administration's previous "no appeasement" stand on the Formosa Straits led Sen. Theodore Francis Green (D R.I.), chairman of the Foreign Relations Committee, to write President Eisenhower of his deep concern about U.S. Formosa policy. Contents of his letter were not released, but a Sept. 30 news story said Green wrote that Far Eastern events could lead to U.S. involvement "at the wrong time, the wrong place, on issues not of vital concern to our own security and without allies." Green also criticized Administration foreign policy in a Sept. 30 address in Providence, R.I., stating that "the Formosa Resolution passed by Congress does not provide backing for" the President's policy, and that the matter should be presented "directly" to Congress.

A cease-fire was advocated by Adlai E. Stevenson, former Democratic Presidential candidate, who said Sept. 30 in a Los Angeles, Calif., address that the U.S. stand on Quemoy was "actually creating sympathy for Red China and misgivings about our good sense." Sen. Wayne Morse (D Ore.) Oct. 1 said that before the Senate ratified a defense treaty with Chiang Kai-shek in 1955 Dulles was "forced to enter into an understanding" with the late Sen. Walter F. George (D Ga.), then chairman of the Foreign Relations Committee, that the Senate would be asked to ratify any U.S. move to defend Quemoy and Matsu. (1955 Almanac p. 281) Defense of Quemoy was supported by Sen. Styles Bridges (R N.H.), chairman of the Senate GOP Policy Committee, who Sept. 30 said the Chinese Communists were using the threat of war as "blackmail" to get the offshore islands and U.S. abandonment of them would be "a severe blow to our staunchest allies in the Pacific."

## FARM PRICES

The Department of Agriculture Sept. 30 reported a 2.75 percent advance in farm product prices during the month ended Sept. 15, halting a four-month decline and boosting the price level 5 percent above that of 1957, and 9 percent above 1956. Secretary of Agriculture Ezra Taft Benson Sept. 30 said the price increase put net farm income for the first nine months of 1958 at 19 percent over that of the corresponding period in 1957. He said the advance undoubtedly would be reflected in somewhat higher food prices for consumers, but that the increases "are justified" because "farmers are entitled to them." (Weekly Report p. 1231)

Despite the increases, the Agricultural Marketing Service Sept. 25 said farm prices were likely to drop in the next few months, with a major factor in the setback the production of a record supply of farm products.

Benson Sept. 26 announced that a price support of \$1.06 per bushel would be given for 1958 corn grown in violation of Federal planting allotments, but said the Administration did not plan to continue "this type of emergency action" -- now in its third successive year. The price support on corn grown in compliance with the control program is \$1.36 a bushel, but Benson said not more than 12 or 13 percent of corn harvested in "commercial" counties would be eligible for this support since acreage allotments were so low most farmers overplanted.

## SPACE AGENCY

President Eisenhower Oct. 1 transferred control of all satellite programs and major space projects from the Defense Department to the new National Aeronautics and Space Administration (NASA) headed by Dr. T. Keith Glennan. Transferred were the Vanguard satellite project and three other satellite projects, four proposed lunar probes, and a number of nuclear engine research projects. (Weekly Report p. 1180)

## PASSPORT DENIAL

A Federal judge Oct. 2 upheld the State Department's 1957 refusal to renew the passport of William Worthly Jr., Baltimore, Md., newspaperman who violated the ban on travel to Communist China. U.S. District Judge Edward N. Curran said the conduct of United States foreign relations was in the hands of the Government's Executive Branch, and travel could be restricted by the Secretary of State if foreign policy warranted it. (For story on passport legislation controversy see p. 1252)

## PRESIDENTIAL APPOINTMENTS

President Eisenhower Sept. 27 appointed Maj. Gen. Wilton B. Persons (U.S. Army, ret.) to succeed Sherman Adams as the Assistant to the President. (Weekly Report p. 1245) A native of Alabama, Persons served on the President's 1952 campaign staff. He also served on Mr. Eisenhower's staff in 1951 when the President was Supreme Commander of the North Atlantic Treaty Forces in France. In 1953, Persons was appointed to the White House staff as a special assistant to the President on Congressional affairs. Later that year he was promoted to deputy assistant to President Eisenhower and served directly under Adams.

The President Sept. 27 appointed Bryce N. Harlow of Oklahoma, a Republican, to succeed Persons as Presidential deputy assistant for Congressional affairs.

Mr. Eisenhower Sept. 26 named Don Paarlberg, Assistant Secretary of Agriculture, as his special economic adviser. Paarlberg, an Indiana Republican, succeeded Gabriel Hauge who announced his resignation Sept. 25. (1957 Almanac p. 726)

The President Sept. 30 gave Lt. Gen. Elwood R. Quesada of California, a Republican, a recess appointment as Federal Aviation Agency Administrator. Quesada's nomination is subject to Senate approval. (Weekly Report p. 1066)

## Capitol Briefs

### LABOR LEGISLATION

Chairman John F. Kennedy (D Mass.) of the Senate Labor and Public Welfare Labor Subcommittee Sept. 28 said the labor reform bill (S 3974) that was passed by the Senate but defeated in the House during the 1958 session of Congress would be introduced again in 1959, "and as far as I am concerned, will receive top priority." Kennedy, along with Irving M. Ives (R N.Y.) was Senate sponsor of the bill. (Weekly Report p. 1180)

### AIRPORT AID

Sen. A.S. Mike Monroney (D Okla.) Sept. 25 said he was confident the Senate would re-pass, by Feb. 1, 1959, a Federal airport aid bill similar to one pocket vetoed in 1958 (S 3502). S 3502 was vetoed by the President Sept. 2 with the comment that the "time had come" for the Federal Government to withdraw from the civil airport grant program. The President said his veto saved the Government \$437 million. Monroney sponsored S 3502. Monroney said the House also would act promptly to re-pass the bill. (Weekly Report p. 1231)

### TVA REVENUES

The Tennessee Valley Authority Sept. 29 reported that its fiscal 1958 revenues from the sale of electric power dropped \$2.6 million from 1957 to a total of \$233.6 million in fiscal 1958. Net income over the same period dropped from \$58.1 million to \$55 million, TVA said. TVA said the drop was caused by a lessening of sales to defense installations, which comprised 51 percent of its total sales. The agency sold 56.7 billion kilowatt hours of electricity in 1958. The system's generating capacity rose from 9,889,485 kilowatts at the end of fiscal 1957 to 10,222,210 at the end of fiscal 1958, TVA said.

### NATIONAL GUARD

Army Chief of Staff Gen. Maxwell D. Taylor Sept. 30 announced that efforts to reduce the manpower of the Army National Guard had been abandoned. Taylor said all 27 divisions would be continued in existence, each with five battle groups. Taylor said President Eisenhower and Secretary of Defense Neil H. McElroy had approved plans setting guard strength at 400,000 men and reorganizing the 27 divisions on a "pentomic basis" similar to that of the regular army. In March a reduction to 360,000 men was planned but Congressional opposition caused its cancellation. (Weekly Report p. 680)

## TEXTILE INDUSTRY

COMMITTEE -- Senate Interstate and Foreign Commerce, Special Subcommittee to Study the Textile Industry.

HELD HEARINGS -- On the domestic textile industry. (Weekly Report p. 756)

TESTIMONY -- Sept. 19 -- At Providence, R.I., Emerson M. Bullard, president of the Rhode Island Textile Assn., opposed creation of a Federal textile development agency. Such an agency, he said, would add to the already excessive Government red tape that plagued the industry and, if supported by a levy on manufacturers, would increase industry costs.

The proposed agency was supported by Rhode Island Gov. Dennis J. Roberts (D) as "a means of advancing the textile industry in many important ways." Edwin C. Brown, secretary-treasurer of the state AFL-CIO, called for establishment of an agency that would be charged with "protecting and saving" all United States industry and jobs.

Seabury Stanton, president of Berkshire Hathaway Inc., in a prepared statement said the 1958 extension of the reciprocal trade agreements program meant that the textile industry "will have to attempt to operate during the next four years with the threat of a 5 percent reduction in tariff per year over and above the tremendous reductions which have already taken place since the end of World War II." Stanton recommended legislation to exempt textile products from further tariff reduction and also urged that "recommendations of the Tariff Commission, with regard to relief for individual types of textile products resulting from excessive imports, be made mandatory unless overridden by Congress." (Weekly Report p. 1025)

Sept. 24 -- At Concord, N.H., Donald C. Johnson, J.P. Stevens Co. executive, proposed that the Government reestablish a 45 percent face value tariff on all textile imports.

Sept. 29 -- At Clemson, S.C., P.G. Bailey, president of the Clinton (S.C.) Cotton Mills and of the South Carolina Textile Manufacturers Assn., said the Federal Government was responsible for "some of our most serious problems."

Herbert S. Williams of Nashville, Tenn., a vice president of the Textile Workers Union of America (AFL-CIO), in a prepared statement said that "a major, if not the major, cause of the industry's difficulties in this region is the utter lack of bona fide cooperation between employer and employee in most sections of the South."

Bruce E. Davis of Charlotte, N.C., who handles TWUA cases in the area before the National Labor Relations Board, in a prepared statement said: "Textile manufacturers, in my judgment, have landed themselves in these present difficulties in large measure because they have operated on the theory that low wages, stretchouts, bad working conditions and merciless exploitation of the weak and helpless will spell prosperity."

Sept. 30 -- At Charlotte, N.C., Boyd E. Payton, southern director of the union, offered an eight-point program including establishment of a Federal agency to redevelop and stimulate the industry.

## GOVERNMENT SCIENCE PROGRAMS

COMMITTEE -- Senate Government Operations.

ACTION -- Sept. 22 released a "progress report" (S Rept 2498) by its Reorganization and International Organizations Subcommittee summarizing actions taken by the Administration and Congress in 1958 to further Government science programs. In releasing the report, Subcommittee Chairman Hubert H. Humphrey (D Minn.) said: "United States efforts in science and technology were enormously strengthened by actions of the 85th Congress, not only through increased appropriations for scientific programs, but also in major reorganizations and the establishment of whole new programs -- particularly in the coordination of scientific information."

Humphrey said the Committee intended to hold hearings in 1959 on proposals to establish a Cabinet-level Department of Science and Technology. He also suggested that it consider proposals for specialized institutes of scientific research and better coordination of international health, cultural, education and exchange of persons programs.

RELATED DEVELOPMENT -- A report on the Atomic Energy Commission physical research program, prepared by the Joint Atomic Energy Research and Development Subcommittee and released as a committee print after Congress adjourned, called for more adequate, long-term support of basic research in the U.S. The report, based on Feb. 3-14 Subcommittee hearings (Weekly Report p. 209), recommended:

"An increase of from 50 to 150 percent in the level of operating funds" for the AEC physical research program over the next four years.

A substantial increase in funds for facility construction.

"Prompter action by the Executive Branch in releasing funds which have already been authorized and appropriated by the Congress for specific projects in the field."

"A well-balanced program in which adequate support is given to all of the three major areas of research activity; namely, chemistry, metallurgy and physics."

Reaffirmation by the AEC of "the importance of the General Advisory Committee as an active participant in the formulation of broad research policies and objectives."

Strengthening of the administrative machinery of the hydrogen-taming Sherwood program, both within the AEC and in the field. The report said: "It is recommended that the present system whereby the program receives policy guidance from a steering committee made up of representatives of laboratories participating in the Sherwood program be replaced by a competent group of 'outside' scientific advisers who would from time to time make policy recommendations as to the scope and direction of the program."

Easing of current restrictions relating to classification and access to available information.

Encouragement of exchange of scientific information between the U.S. and other free world nations.



## AGENCY PROBE

COMMITTEE -- House Interstate and Foreign Commerce, Legislative Oversight Subcommittee.

RECESSED HEARINGS -- On whether Federal regulatory agencies have followed the intent of Congress. (Weekly Report p. 1242)

TESTIMONY -- Sept. 25 -- Chairman Oren Harris (D Ark.) said the Subcommittee would suspend hearings until after the November elections because, among other reasons, "matters with political implications are bound to come up and produce some turmoil -- sometimes people misconstrue things." Harris also corrected the record on Sept. 24 testimony by Subcommittee investigator Oliver Eastland, who told of contacts with Federal Communications Commission members by Pittsburgh Mayor David L. Lawrence, Democratic candidate for Governor of Pennsylvania, and Sen. George A. Smathers (D Fla.). Harris said neither man had done anything "improper" in a Pittsburgh television channel case under investigation, and that the Subcommittee had no evidence that Lawrence had written a letter to ex-Commissioner Richard A. Mack on behalf of a channel applicant. Smathers Sept. 25 said his office merely had arranged an appointment at the FCC for an old friend, that he had no further knowledge of the case. Lawrence, in a Sept. 25 telegram to Harris, made "the strongest possible protest against Committee procedures which caused newspapers throughout Pennsylvania and the Nation to say that my name was 'linked' with irregularities" in the case.

Technical testimony on licensing cases was given by Federal Power Commission officials, including Chairman Jerome K. Kuykendall and general counsel Willard W. Gatchell. Harris said it seemed obvious there had been much inconsistency in the granting of 50-year licenses to develop water power in navigable streams, and that "this looks like a good field for clarifying legislation."

(Chairman Meade Alcorn of the Republican National Committee said in a Sept. 28 statement that the "sudden shutdown" of the hearings "after prominent Democrats became involved is a candid confession of the partisan, political mission of the inquiry," and that the recess came "no doubt under pressure from the Democrat high command." Harris Sept. 29 said the entire Subcommittee had decided before Congress adjourned to suspend hearings during October so members could campaign.

Sept. 30 -- Harris said Chairman John W. Gwynne of the Federal Trade Commission would be recalled as a witness after the elections to explain his "change of attitude." Harris said Gwynne sent a letter to the Subcommittee in June commending it for fairness with FTC witnesses. In a Sept. 26 address before the Federal Bar Assn., however, Gwynne said committees made it "difficult for an agency on trial to get its side of the story to Congress and the public."

Groups of organized lawyers submitted their views on ethics in Government agencies. Theodore H. Haas, chairman of the Federal Bar Assn. Professional Ethics Committee, said a code of ethics should apply to the conduct of all persons concerned with decisions in Government proceedings, and should include a ban on communications by outside parties concerning the merits of pending cases except under limited conditions. An American Bar Assn. statement said the group was studying various code of ethics proposals, but had not reached a conclusion on details.

## FOREIGN POLICY STUDY

COMMITTEE -- Senate Foreign Relations, Executive Committee on the Foreign Policy Review.

ACTION -- Sept. 17, after meetings with eight foreign affairs experts, announced initial plans for the Committee's two-year, \$300,000 study of U.S. foreign policy. (Weekly Report p. 1080, 1107)

Executive Committee Chairman J.W. Fulbright (D Ark.) said the study would cover (1) factors that influence U.S. foreign policy; (2) formulation and administration of U.S. foreign policy; (3) analysis of U.S. foreign policy on an over-all basis.

In addition, Fulbright said, the study would deal with "a few issues of great importance which cannot be satisfactorily examined within the scope of the three areas." These, he said, would be studied independently.

Fulbright said basic research would be undertaken by private institutions and individuals under contracts with the Committee.

The study's purpose, said Fulbright, was not to develop suggestions of how to conduct day-to-day foreign operations but to clarify "the main issues that may confront the United States in the conduct of its foreign relations over the next decade." He said he hoped the Committee's final report would be a "nonpartisan analysis" of those issues.

Consulted by the Executive Committee: Rockefeller Foundation President Dean Rusk and Robert Bowie of Harvard University, both former Assistant Secretaries of State; Dr. Robert Calkins, Brookings Institution president; Henry Luce, of Time and Life; former Ambassador to Russia William C. Bullitt; Walter Millis of the Fund for the Republic; William Diebold of the Council on Foreign Relations; and John Cowles of the Minneapolis Star and Tribune.

## USIA OPERATIONS

COMMITTEE -- House Foreign Relations, State Department Organization and Foreign Operations Subcommittee.

HELD HEARING -- On personnel and operations of the U.S. Information Agency.

TESTIMONY -- Sept. 22 -- USIA Director George V. Allen protested against the attacks on the effectiveness of his agency and the loyalty of its personnel made in House debate Aug. 20 during consideration of the first fiscal 1959 supplemental appropriation bill. (Weekly Report p. 1092)

"I exceedingly regret this discussion," he said, "since it casts public aspersion on the abilities of the USIA personnel and on their individual record.... The 3,800 loyal American employees of USIA...felt a sense of frustration when they heard once more broad generalizations hurled at the agency and its personnel."

Allen said the United States was being "outgunned in the propaganda war fought over the radio waves in the Near and Middle East and in Africa." He added that "we have been doing an inadequate job in improving our facilities while other countries have been increasing theirs." He indicated that the problem was caused by Congress' failure to provide sufficient funds.

RELATED DEVELOPMENT -- Sept. 24 -- Paul M. Deac, executive vice president of the National Confederation of Ethnic Groups, said Allen was "either misinformed or misled" in denying charges of subversion or incompetence before the Subcommittee.



## ADMINISTRATION FAR EAST POLICY SPAWNS PROTEST GROUPS

Citizen organizations are springing up in several cities to protest the Eisenhower Administration policy toward Quemoy and Matsu. (For other stories on Formosa policy, see p. 1257, 1262)

The immediate objective of these organizations is to pressure President Eisenhower into calling a special session of Congress. Leaders of the protest groups contend Mr. Eisenhower and Secretary of State John Foster Dulles are pushing the U.S. into a war in the Far East without first getting the consent of Congress.

"We're being shoved into a war without the people we elected to speak for us having anything to say about it," claimed John M. Fishell, 68-year-old retired foundry consultant who heads the protest group in St. Louis. "We're not hooked up to any wild-eyed group," he said Sept. 29. "We're just plain citizens who are worried. We're out to be the loyal opposition."

Fishell said James P. Warburg, New York banker and author, inspired formation of the St. Louis group through his letters and newspaper advertisement criticizing Administration policy in the Far East. Warburg Sept. 29 said other protest groups are being organized or are under discussion in Boston, Chicago, Cleveland, Des Moines, New Haven, New York and San Francisco.

### Green's Reaction

When asked about the formation of citizen organizations to protest the Administration's Far East policy, Chairman Theodore Francis Green (D R.I.) of the Senate Foreign Relations Committee Sept. 29 told Congressional Quarterly: "I think it is a good thing to have these people interested. But the Administration ought to give the people all the facts (about the Formosa situation) so they can make sound judgments. I don't think the Administration has been frank enough with the people. Perhaps the Administration has given out all the facts. I don't know. I don't know what its policy is."

Green said Mr. Eisenhower should call Congress into special session if he thinks there is danger of war in the Far East. But he said he would not press for a special session unless the President said there was that danger. Green conceded, however, that he was "apprehensive" about the Far East situation. (See p. 1257)

The St. Louis protest group appears to be furthest along in its organization. It already has distributed by mail remarks of critics of Administration Far East policy, such as former Democratic Secretary of State Dean Acheson. (Weekly Report p. 1230)

Fishell said the hard core of his organization has been 23 private citizens who have financed the operation out of their own pockets. He said his group tentatively is named the Bipartisan Watchdog Committee. The committee was scheduled to meet Oct. 2 in St. Louis' Kingsway Hotel to broaden its activities. It also plans to run an advertisement in the St. Louis Post Dispatch giving arguments against the Administration's Far East policy.

"If Vice President (Richard M.) Nixon and Mr. Dulles are concerned over the mail they have received already,"

Fishell said, "they'll be absolutely horrified over the mail they'll receive soon." He referred to Nixon's statement of Sept. 27 criticizing an unnamed State Department official for disclosing to the New York Times that about 80 percent of the public mail it had received lately was against the Administration's policy in the Far East. (For Nixon text, see p. 1262)

### Des Moines Activity

Rev. M. Everett Dorr, minister of the Trinity Methodist Church, is at the forefront of the protest movement in Des Moines. He is hopeful that he and George Cosson, Des Moines attorney, can organize a group formally soon. So far protests have been on an individual basis.

Mr. Dorr, a World Federalist for the last 11 years, Sept. 29 charged the Administration's Far East policy was "inflexible." He said, "We have no business on Quemoy and Matsu. Chiang Kai-Shek has entangled us. We have got to get out of the circle we're in." He said the first step should be a special session of Congress.

Warburg has been in touch with both Fishell and Dorr about the formation of protest groups. Warburg said there is a group of individuals in New York who feel the same way he does about the Administration's Far East policy but that they have not decided whether to organize formally into a group or protest individually. He said the Boston group will run an advertisement soon in the Christian Science Monitor protesting Administration policy. Warburg declared it was too early to tell what actions would be taken by opponents of the Far East policy who, he said, are organizing or talking about it in Chicago, Cleveland, New Haven and San Francisco.

Warburg said Nixon's criticism of the State Department's disclosure about public mail will not mute the protest groups. "If anything," he said, "it will make people more willing to stick their necks out."

A four-column advertisement over Warburg's name appeared in the New York Times of Sept. 25. The ad claimed that "a continuation of our present policy can lead only to a war in which the U.S. will have few if any effective allies, or to the indefinite protraction of a state of affairs in which the U.S. can at any moment be plunged into such a war by an act or decision other than its own. We are not persuaded that there is no alternative to this policy except 'appeasement' or surrender. We therefore feel justified in demanding that the whole of our China policy and all questions incident to our involvement in the Chinese civil conflict be laid before our elected representatives in the Congress, in whom the Constitution vests the power to decide upon war or peace."

Readers were asked to sign the advertisement, send it to the President and their Congressional delegation, form groups to run similar advertisements and contribute money "toward the further dissemination of this message." Warburg said the response "has been quite spectacular." He said he has received about 250 letters from all parts of the country and about \$1,500 in contributions.

## FOREIGN POLICY DEBATE ENTERS CAMPAIGN

The possibility that American policy in the Formosa Straits dispute might become a major issue in the 1958 political campaign grew last week. (For other stories on Formosa see p. 1257, 1261)

Triggering the increasingly partisan discussion of the matter was a Sept. 27 statement by Vice President Richard M. Nixon.

The New York Times of that date carried a Washington dispatch that said, "Public mail to the State Department on the Quemoy situation has been steadily increasing and is running heavily against the Administration's decision to help the Chinese Nationalists retain the offshore islands."

The story quoted unnamed officials as saying that 80 percent of some 5,000 letters were critical of U.S. policy.

## Nixon Statement

The Nixon statement read:

"I was shocked to read the reports in the morning papers to the effect that the preponderance of mail to the State Department opposed the policy the United States is following with regard to Quemoy and Matsu.

"What concerns me primarily is not the patent and deliberate effort of a State Department subordinate to undercut the Secretary of State and sabotage his policy. What is of far greater concern is the apparent assumption on the part of those who put out the story that the weight of the mail rather than the weight of the evidence should be the controlling factor in determining American foreign policy.

"The expression of opinion by people to their elected representatives, by mail or otherwise, is constructive and helpful but it can never be considered the decisive factor in determining the course of policy.

"If we indulge in the kind of thinking which assumes that foreign policy decisions should be made on the basis of opinion polls, we might as well decide now to surrender our position of world leadership to the Communists and to become a second-rate nation.

"When I was in the House I recall that the overwhelming preponderance of mail from my district opposed the Truman Doctrine for Greece and Turkey and our foreign aid program. Yet substantial majorities for both of these essential programs were obtained in the House and Senate.

"You cannot develop foreign policy on the basis of what random letters show the people will support in the light of the minimum and often misleading information available to them.

"It is the responsibility of a leader to lead public opinion -- not just to follow it. He must get all the facts before making a decision and then he must develop support for that decision among the people by making the facts known to them.

"What is at stake in the Formosa Straits is not Quemoy and Matsu and not just Formosa but the whole free world position in the Far East. I am confident that as the American people realize this, they will support the

President in the firm position he has taken that the use of force to settle international disputes cannot be tolerated."

## Replies to Nixon

Sens. Joseph C. O'Mahoney (D Wyo.) and Joseph S. Clark (D Pa.) said Nixon was wrong in criticizing the release of information on the State Department mail. Clark said Nixon was "off base again" and O'Mahoney called for a "complete exposure of the Vice President's allegations."

Half a dozen other Democratic Senators, including Chairman Theodore Francis Green (D R.I.) of the Senate Foreign Relations Committee, criticized U.S. policy on the offshore islands, without referring specifically to Nixon's statement.

The Times said its story on the way the mail was running was not "leaked" to it by a State Department employee but resulted from a routine request.

Dulles Sept. 30 said he did not think subversion of his policy had been intended.

## Effect on Campaign

Although the Quemoy crisis has been discussed by candidates in several states, Republican and Democratic party officials do not believe it has yet attained the status of a major national campaign issue.

A high Democratic official told CQ: "I think most of our candidates are making their campaign on domestic issues and get into the Formosa question only as a secondary matter, relating it to the lack of leadership in Washington."

His Republican counterpart agreed. "I don't think the Democrats have got it off the ground yet," he said, "and if they do, they'll find out they're on the wrong side of the issue -- just as they were with the H-bomb tests and the draft in 1956. Our private polls show the people are with the President on this issue."

## Political Briefs

● **TRUJILLO CAMPAIGN** -- The Dominican Government, it was revealed Sept. 26, has written letters warning that trade relations with certain states would be damaged by the reelection of three Representatives who are disliked by Generalissimo Rafael Trujillo. The letters went to chambers of commerce and Governors in the home states of Reps. Charles O. Porter (D Ore.), Charles B. Brownson (R Ind.) and Alvin M. Bentley (R Mich.). Porter and Brownson have been critical of Trujillo but Bentley said he did not understand why he was on Trujillo's list.

● **EISENHOWER ON RIGHT-TO-WORK** -- President Eisenhower in letters to Vice President Richard M. Nixon and Sen. William F. Knowland (R Calif.) Sept. 23 reiterated the fact that he has taken no position on state right-to-work laws. Opponents of right-to-work legislation in California claimed on billboards that the President had opposed such laws. (For text, see p. 1266)

## THE TEXT OF PRESIDENT EISENHOWER'S OCT. 1 PRESS CONFERENCE

Following is the complete text of President Eisenhower's Oct. 1 Press Conference.

**THE PRESIDENT:** Good morning. Please sit down. I have three short announcements. By Congressional authorization, the President was directed to make a proclamation that this was the national day of prayer. I hope that before the day is over you people will be helpful in reminding everybody of that fact.

## SEAWOLF

The next thing is that the Seawolf has now been submerged continuously for 54 days and is still going strong. I think the crew must be trying to establish a record that someone else is going to have a hard time to beat; and the previous record was 31 days.

The other small announcement is a personal one: At the weekend I'm going on my -- to Walter Reed for my annual physical check-up, and so I hope no one will take the circumstances of my going over there as evidence of any new illness. Are there any questions?

## SCHOOL INTEGRATION

**Q. MERRIMAN SMITH, United Press International:** Mr. President, in the light of recent rulings and decisions by the Supreme Court, the appellate and the district courts, could you tell us, sir, what is your position on the cities in Virginia and Arkansas where the schools are closed? Do you think these public schools should be reopened immediately on an integrated basis, without their being forced into it by new moves of the Federal Government?

**THE PRESIDENT:** Well now, with respect to that question -- of my feelings about the closing of schools, I have already put myself on record; and I am not going now to try to detail any ideas of exactly how it would be done or how these people can move to bring their affairs in within the limits set for integration by the courts, Federal courts from the district on up. I will read you a little statement that I prepared. There will be copies of it, if you want it, outside. It's very short, about my idea about the situation as of now.

## INTEGRATION STATEMENT

**THE PRESIDENT:** The Supreme Court, in its opinion rendered Monday, once again has spoken with unanimity on the matter of equality of opportunity for education in the Nation's public schools. (For text of Court decision see p. 1254)

It is incumbent upon all Americans, public officials and private citizens alike, to recognize their duty of complying with the rulings of the highest court in the land. Any other course, as I have said before, would be fraught with grave consequences to our Nation.

Americans have always been proud that their institutions rest on the concept of equal justice under law. We must never forget that the rights of all of us depend upon respect for the lawfully determined rights of each of us. As one Nation, we must assure to all our people, whatever their color or creed, the enjoyment of their constitutional rights, and the full measure of the law's protection. We must be faithful to our constitutional ideals and go forth in good faith with the unrelenting task of translating them into reality.

I want to remind you that a number of these cases of different kinds are still before the courts and I am going to have nothing further to say until those judgments have been rendered.

## REPUBLICAN PROSPECTS

**Q. ROBERT J. DONOVAN, New York Herald Tribune:** Mr. President, there is a good deal of talk in the air that the Republicans are in for a bad drubbing this year, and some of the Republicans seem resigned to the fact themselves. I wonder if you have any comment on that.

## Highlights

President Eisenhower Oct. 1 held his 43rd press conference of his second term, five weeks after his 42nd. (Weekly Report p. 1166) These were the highlights:

- **INTEGRATION** -- Any other action by state officials than full compliance with Supreme Court integration directives would bring "grave consequences to our Nation."
- **FORMOSA** -- The issue in Formosa is to avoid retreat "in the face of force."
- **RIGHT-TO-WORK** -- Right-to-work legislation is the business of the individual states.
- **REPUBLICAN CHANCES** -- Reports of Republican apathy are "incomprehensible."
- **ADAMS** -- He did not ask Sherman Adams to resign.

**THE PRESIDENT:** I hope I can do all this within the confines of the limit that we normally observe as to time around here. I have heard these reports about apathy and about sitting on hands and complacency. To my mind, it is incomprehensible. There was -- the Administration elected six years ago, dedicated to moderate government, avoiding extremes from one side to the other, staying on the middle of the road and staying out of the gutters.

I think the record of those six years is remarkably good, so I don't know, from the standpoint of the record, why anyone of a like persuasion, of a like philosophy, governmental philosophy, can possibly be anything but enthusiastic about his hope of perpetuating that kind of effort through the medium of elections.

Now, the actual thing is -- the examination even of very recent elections shows that if all the registered -- registered Republicans would have voted, there would have been no trouble. The victory would have been for all candidates, even in the state of Maine. But they didn't, they stayed away.

Now, to my mind, unless Republicans who presumably are dedicated to moderate government and a moderate philosophy of government are going to help with their time, their effort, their brains and their money, then I say the cause of that kind of government is probably going to be lost in this country, and the consequences of that, in my mind, would be -- well, incalculable, because all of us, every one of us says he is an advocate of free enterprise, and free enterprise itself can possibly be made one of the issues with such failures coming along.

(There was a chorus of "Mr. President".)

**THE PRESIDENT:** Right here.

## RIGHT-TO-WORK LAWS

**Q. JOHN HERLING, Editors Syndicate:** Mr. President, this has to do with the so-called right-to-work law, and your attitude toward it. You have been quoted, and I think sometimes misquoted, on the subject, but I should try to quote you accurately. You recall, sir, that in your labor message in 1954 you said, "America wants no law licensing union-busting; neither do I."

Then you went on to recommend to Congress that in the construction, and I quote, "amusement and maritime industries that the employer and the union be permitted to make a union contract, a union shop contract, under which the employee -- under which the employee within seven days of the beginning of his employment shall become a member of the union."

Now, sir, the so-called right-to-work law would bar such a union shop as you then recommended. Could you tell us what your position is today, whether there is any shift from 1954?

**THE PRESIDENT:** No, because you were talking about and quoting from a particular law. As a matter of fact, we talked about it in the building trades and the maritime and some of the others.



My own opinion has been expressed publicly time and again, both directly and through Secretary Mitchell, where we have pointed out that Section 14 (b) of the labor law does allow each state to determine this question for itself. I have stood on that particular point and said I will not advocate the reversal or the repeal of that act. On the other side, I have never urged any state to vote for a so-called right-to-work law for the simple reason that I believe it's the state's business, and I'm not going to get into it. That's my answer.

Q. HERLING: But, sir, if a right-to-work law --

THE PRESIDENT: Thank you very much. I have answered it.

Q. HERLING: Yes, sir.

#### QUEMOY

Q. STEWART HENSLEY, United Press International: Mr. President, Secretary Dulles said yesterday that it would be rather foolish for Chiang Kai-shek to keep large forces on Quemoy if we could get a dependable cease-fire with the Communists. I wonder if you would tell us, sir, do you believe that demilitarization of the offshore islands may offer the eventual solution of this Formosa crisis?

THE PRESIDENT: Well, sir, all I can tell you about that is that I conceive of no possible solution that we haven't studied, pondered, discussed with others in the very great hope that a peaceful solution can come about.

As you well know, the basic issue, as we see it, is to avoid retreat in the face of force, not to resort to force to resolve these questions in the international world. And we believe if we are not faithful to that principle in the long run we are going to suffer.

Now, Mr. Dulles, who had a very long conference yesterday morning and almost solely on this subject, did one thing that I would commend to all of you:

He quoted paragraphs, two paragraphs I think, from Mr. Spaak's speech recently in the United Nations, where Mr. Spaak said:

The whole free world must realize that it is not Quemoy and the Matsus that we are talking about, we are talking about the Communists' constant, unrelenting pressure against the free world, against all of it.

As a matter of fact, a magazine just, I guess, out last evening "U.S. News and World Report", gives quite a detailed and documented story of Communist aggression and activities in 72 countries.

I commend that to your reading, because we are very apt to, by focusing our eyes on some geographical point, to neglect the great principles for which a country such as ours has stood for all these years, and for which western civilization has largely stood. So, I should say, we want to get these things in perspective.

Now, I also -- you mentioned the question of it would be foolish for them keeping large forces there for a long time. I believe, as a soldier, that was not a good thing to do, to have all these troops there. But, remember, we have differences with our allies all over the world. They are family differences, and sometimes they are acute, but, by and large, the reason we call it "free world" is because each nation in it wants to remain independent under its own government and not under some dictatorial form of government. So, to the basic ideals, all of us must subscribe.

#### ALLIES' DISAGREEMENT

Q. PETER LISAGOR, Chicago Daily News: In the light of Mr. Spaak's statement, can you tell us what your view is of why so many of our allies fail to see this point you have just made?

THE PRESIDENT: Well, it's a very difficult thing, and of course an answer is speculative. But when we go back to the Manchurian incident of 1931, when we go back to Hitler's marching into the Rhineland, when we take his taking over the Sudetenland and the Anschluss with Austria by force, when finally he took over all of Czechoslovakia, where was the point to start -- to stop this thing before it got into a great major war? Why did not public opinion see this thing happening?

Now, in hindsight, most of us have condemned these failures very bitterly, going right back to 1931 in Manchuria. I don't know why the human is so constructed that he believes that possibly there is an easier solution that you can by feeding aggression a little bit, a teaspoonful of something, that he won't see that they are going to demand the whole quart. Now, that is the -- I don't

know any real answer to that thing, and it is puzzling, and of course, for those who have to carry responsibility, it is a very heavy weight on their spirits and minds; there is no question about that. But there it is.

#### STATE DEPARTMENT MAIL

Q. J. ANTHONY LEWIS, New York Times: Mr. President, sir, do you agree with Vice President Nixon that it was sabotage for State Department officials to disclose how sentiment, public sentiment on the China Policy question was running in the department mail?

THE PRESIDENT: Well, I understand that the Vice President issued a personal opinion on that. I would commend you to the State Department as to what they think is the answer on that one.

#### WHITE HOUSE STAFF

Q. EDWARD P. MORGAN, American Broadcasting Company: Mr. President, in the past you have made it very clear that you, yourself, make all the final decisions in the White House, but --

THE PRESIDENT: If I didn't, wouldn't there have been chaos?

Q. MORGAN: Conceded, sir.

(Laughter)

Q. MORGAN: In view of the vital role, as expressed by yourself, that Governor Adams has played in the White House staff, and he is now leaving --

THE PRESIDENT: Yes.

Q. MORGAN: ...do you have any idea of changing the emphasis of the staff work in the White House in such a way that you, yourself, would participate more in the preliminaries to those decisions?

THE PRESIDENT: Let's get a little background. Gen. Persons will be sworn in as the Assistant to the President very early in the week. Now, the staff will have to be organized under him, and he has been very familiar with the methods that I, as a commander and now as President, have used over a great many years. Frankly, I think they have been fairly successful.

Now, I will tell you this: If a President is going to participate in all, all of the -- the beginning, the basic studies, and the initial partial decisions, then you are going to have, again, something that is just not possible.

The President must know the general purpose of everything that is going on, the general problem that is there, what, whether or not it is being solved or the solution is going ahead according to principles in which he believes and which he has promulgated; and, finally, he must say "yes" or "no".

Now, I will tell you, while we don't in the White House have large, big staff conferences with every last subordinate present, the constant meetings in my office of the important staff leaders are, I think, much more frequent than they ever were in any military organization that I have known.

Now, with respect to the diffusion: What I shall do is this, and I think here is a place that I probably have been guilty of not making some things clear:

I shall probably issue a memorandum or a table of organization which will show all the American people, if they are interested, exactly the channels through which these questions come up, who are the individuals that I will hold responsible for studying them first, and then what individuals will come to me to argue them; and frequently the staff officer will say, "All right, Agriculture believes this; somebody else, 'Labor believes that. I'm sort of on this side, but bring them both in, and then we have it out.'" And then the decision is made that way.

But I will put out that information to prevent any misunderstanding of exactly what we are doing.

#### FORMOSA POLICY

Q. RICHARD L. WILSON, Cowles Publications: Mr. President, you spoke a little earlier, Mr. President, of the need to stand, hold out against the Communist expansion. There is another point of view, however, I would like to ask you to comment on in connection with Mr. Dulles' remarks:

There are some who would regard Mr. Dulles' press conference yesterday as having been evidence of such a strong modification in policy that it amounted to appeasement itself. Would you discuss that point of view?



THE PRESIDENT: Well -- no, I wouldn't see that in it at all. Let's go back to the language of the Formosan Resolution, which was carefully debated, thoroughly debated, and almost unanimously voted.

It says that other areas than the Formosa and Pescadores region will have to be considered by the President in any specific incident, as to the effect of attack upon them, upon Formosa, whether they are part and parcel of an attack on the major position or whether they are merely an effort to capture these islands so close to the mainland.

Now, the best evidence on this particular issue, as of now, is that the Communists themselves have, while calling it a civil war, have stated that their effort is not confined by any matter of means to Quemoy and Matsu, and not only to Formosa but to driving the United States forces out of the Western Pacific.

Now, with regard -- I should say an extra word there about their civil war: If it is a civil war, why is Russia already saying, through Mr. Khrushchev in his letters, that they are ready to participate in this war, if that is a civil war I am quite ignorant as to what the term really means.

So I do not believe, Mr. Wilson, that there is anything of appeasement. I do believe this: We want a peaceful solution, and fundamentally anyone can see that the two islands as of themselves, as two pieces of territory, are not greatly vital to Formosa. But of course the Chinese Nationalists hold that if you give way to that, you have given a way to exposing us to great attack, and that is a different thing from just concluding that two pieces of territory are the vital issue.

(There was a chorus of "Mr. President".)

#### COMMUNIST CHINA, UN

Q. WILLIAM MCGAFFIN, Chicago Daily News: Mr. President, sir, along the line of our Far Eastern Policy, do you feel that Communist China will ever get into the United Nations, not out of a reward but as a move to perhaps give it more responsibility and help us in our efforts to keep the world at peace? Could you give us the benefit of your thinking on that?

THE PRESIDENT: Well, so far as I am concerned, and this particular question hasn't come up between the Secretary of State and me for some time, but I have announced myself publicly before you people and others that there are certain historical facts in the history of Communist China that make it impossible for us to consider this question as an arguable one at this moment. For example, they are still branded as aggressors in Korea, and they have taken no effective steps to remove that stigma from the record.

They have gone into Vietnam. They have still violated some of the terms of that armistice by continuing to train North Vietnamese and so on for armed purposes, and we don't know whether it's for eventual aggression or not.

They have refused in spite of an agreement given as long back -- don't hold me to memory, but I think two years ago -- that they would release our remaining prisoners from China. They have refused to do so.

And I think, personally, that that one thing is a sentimental, emotional thing in this United States that I well understand and share the feeling. And finally, their deportment in the diplomatic field all the way through has been such that makes this indeed a very difficult thing to even to study dispassionately and disinterestedly. Now, when these things are done, possibly we have got a tougher or a different problem, but the problem as of now, I think, is pretty clean-cut.

(There was a chorus of "Mr. President".)

THE PRESIDENT: This lady -- yes.

#### VISIT TO ALASKA

Q. MARY PHILOMENE VON HERBERG, Anchorage Daily News: They are wondering up there if you contemplate a personal visit to Alaska to officially welcome it into the Union. No President, they say, has had such a privilege in 46 years: (Laughter)

THE PRESIDENT: Well, it's a tempting invitation, if that is an invitation. When is the actual date?

Q. VON HERBERG: Oh, dear! (Laughter.)

THE PRESIDENT: I guess that answers it.

#### SHERMAN ADAMS

Q. RAYMOND P. BRANDT, St. Louis Post Dispatch: Can you clear up the conflicting stories about the resignation of Sherman

Adams? One story is that you instructed Meade Alcorn to get his resignation; the other story is that he gave it voluntarily. Can you clear up your part in the resignation?

THE PRESIDENT: I did not instruct anyone to ask for a resignation. He did resign voluntarily. Now, there is no question that other people advised him very strongly at this time, during these last weeks and months, I guess it is now, but he was never advised by me to resign.

#### DON PAARLBERG

Q. SARAH McCLENDON, El Paso Times: Mr. President, this concerns another one of your official family, the new appointee Mr. Paarlberg. His statements in the past clearly show that he believes that small farmers are probably uneconomic and should get out of farming or go on to industry or to big farming. I wonder if he has indicated that he feels that way about small business? (Laughter)

THE PRESIDENT: Well, really, it's very difficult for me to -- to see any great relationship about this -- in this question.

Q. McCLENDON: Well, sir, he said that there he was not going to be --

THE PRESIDENT: You're telling me what he said. I have never read it and I don't know in what context his statements were made. There are many people have pointed out that the very small farm, where you cannot use modern machinery, is not, in itself, economical; but I want to point out that the Agricultural Department has gone to a tremendous trouble to develop a whole program of help for small farmers, to include even part-time jobs and all sorts of things to make it profitable for them to live. Now, in a small business, we have gone time and again to the Congress and gotten some relief and I think we'll do better. But for Mr. Paarlberg to be in position even to affect my decision on that is a little bit out of line.

(There was a chorus of "Mr. President".)

#### CEASE-FIRE

Q. JOHN M. HIGHTOWER, Associated Press: Mr. President, do you think that if a cease-fire could be arranged in the Formosa area, specifically in the area of Quemoy, now it would be possible to make some arrangement with respect to the demilitarization of the off-shore islands or reduction of forces which would do what you called, in a speech, "remove the thorns in the side of peace"? I'm trying to ask whether there is some practical step which you foresee with respect to those islands, based on the assumption of a cease-fire?

THE PRESIDENT: Well, sir, of course, anything like this is speculative. You are dealing with independent people, independent nations. You are dealing with people that are very emotional, where their prejudices and mutual hatreds are very deep. So what you can do is this: We have, we shall have, if we have a cease-fire, an opportunity to negotiate in good faith and that, I think, is about all you can say.

Now, if you could demilitarize or something else, I'm not so sure as that is a final answer to which everybody could agree, but I do say, to do this thing peacefully and remembering the interests of each nation, its own self-respect, why, then I think possibly we could get somewhere.

(There was a chorus of "Mr. President".)

#### MILITARY STRENGTH

Q. EDWARD W. O'BRIEN, St. Louis Globe-Democrat: Mr. President, Saturday, sir, will be the first anniversary of the launching of the first Russian sputnik. Could you discuss with us the evolution of our military position in the past year in relation to that of Russia; and as a somewhat related matter, could you tell us, sir, if we have the military power in the Far Pacific that is adequate for our possible needs in that area?

THE PRESIDENT: You are getting -- these guns are getting about three-barreled, rather than two. (Laughter.)

With respect to the sputnik incidents of the Russians, I should say they represent, as the whole world recognizes, remarkable achievements, and they are additional evidence of the quality of the top Russian scientists right down the whole field.

Our committees that come back to the United States, our Electrical Committee, the Steel Committee and the others, they come back and they report very great, tremendous advances in the scientific character of all of their steel-making facilities and everything else. In one or two instances it has been reported to

me, said, "You know, these people in one or two kinds of items are ahead of us, even in quality, and you might say, in the height of the scientific ingenuity that has been displayed."

Now, we have in, I believe in the last seven months, put four satellites in orbit. Our scheme, our plan was devised, as I pointed out before, with an entirely different purpose from that that the Soviets had.

We started it as a part of the geophysical year. It was our responsibility that we voluntarily assumed. When it comes to the weaponry, as I pointed out to you again, that the Russians started with their German scientists that they had secured right after 1945.

Our own interest in this particular field was not very great. We went into long-range weapons, missiles, but they were aerodynamic. They were not the ballistic missiles. In other words, we didn't go it all into the IRBM and the ICBMs.

So, when I came in here, I got two successive scientific committees to go into this thing and find out what was going on, what we should be doing, and it took them quite a long time. But, along about a year and a half after the first committee was organized, we believed that we knew what we should do, and that was the first time that anything was really dedicated -- any sizable sum -- to ballistic missiles of a long range. And that was, the whole project was now put on first priority, over every other expenditure.

But, remember, with our curve starting over here, and theirs here, we had to get a very steep one. I think we have constructed a very steep curve of accomplishment but, naturally, with that length of time, there is going to be some incidents here and there where we are not satisfied with our results.

But they are going ahead, and I believe we have the biggest, strongest, finest body of scientists amply armed with money to do the job, and that's that.

Now, in the Far East, I think our weaponry is in very good shape, and our forces are in good shape.

Q. MARVIN L. ARROWSMITH, Associated Press: Thank you, Mr. President.

## INTEGRATION

The White House Sept. 25 released the text of a Sept. 24 letter from President Eisenhower to J. Albert Rolston, chairman of the Charlottesville, Va., Committee for Public Education. The President's letter was in reply to a Rolston telegram of Sept. 17. The text of the President's letter (Weekly Report p. 1243, 1257, 1254):

Dear Mr. Rolston:

Thank you for your telegram of Sept. 17.

I deeply regret the action of Virginia and Arkansas in closing schools that are subject to integration orders of the Federal courts. The direct consequences to the children in those schools and the eventual consequences to our Nation could be disastrous. Their education seemingly has no present prospect of early resumption. For this cessation, they are given a reason which is contrary to one of the generally accepted basic ideals of our country.

Most of us in the United States, as part of our religious faith, believe that all men are equal in the sight of God. Indeed, our forefathers enshrined this belief in the Declaration of Independence as a self-evident truth. Just as we strive to live up to our fundamental convictions, we constantly strive to achieve this ideal of the equality of man. We had been making progress -- substantial progress -- toward that goal. The closing of the schools, however, represents a material setback not only in that progress, but in what we have come to regard as a fundamental human right -- the right to a public education.

I fervently hope that soon the schools will reopen and that progress toward our goal will resume.

Sincerely,  
DWIGHT D. EISENHOWER

## RIGHT-TO-WORK LAWS

The office of Sen. William F. Knowland (R Calif.) released the text of the following letter from President Eisenhower to Knowland, dealing with right-to-work laws and dated Sept. 23 (Weekly Report p. 1262):

Dear Bill:

It has come to my attention that my position on so-called "right-to-work" laws has been erroneously represented in California, notwithstanding that it has been clearly stated several times,

I will state it again. The Taft-Hartley law gives to an employer and a union representing a majority of his employees the right to agree to and put in effect a union shop provision in a collective bargaining contract. Section 14(b) of the Taft-Hartley Act, however, provides that no such provision can be effective in a state whose laws prohibit such a provision -- that is in a state which has a so-called "right-to-work" law.

From 1953 onward, I have been urged by some to recommend to the Congress the repeal of Section 14(b), so that the states would no longer have jurisdiction to enact "right-to-work" laws. I have been urged by others to recommend repeal of the existing union shop authorization and the enactment in its place of a national "right-to-work" law, which would also have the effect of denying to all the states freedom of action in this field. I have rejected all of these suggested recommendations, for I am opposed to depriving the states of jurisdiction in this matter. I have never expressed myself one way or the other on whether any state should exercise this jurisdiction, feeling, as I do, that this should be determined by the citizens of each state. Any statement indicating or implying that I have done so is a misrepresentation of the facts.

Sincerely,

DWIGHT D. EISENHOWER

## MESSAGE TO DE GAULLE

President Eisenhower Sept. 30 sent the following message to French Premier Charles DeGaulle:

Dear Mr. President:

As an old friend of France, I extend my personal congratulations to you on the outcome of the referendum of the new French constitution.

To me the decisive result recorded by yesterday's voting is not only an outstanding success for yourself, but also a most inspiring development for France.

The outcome is greatly encouraging to France's friends throughout the world.

For me it demonstrates the determination of the French people to build anew for the future.

Please accept, General, my heartfelt congratulations and best personal wishes.

## LITTLE ROCK OPINION

(Continued from page 1256)

A Governor who asserts a power to nullify a Federal Court order is similarly restrained. If he had such power, said Chief Justice Hughes, in 1932, also for a unanimous Court, "it is manifest that the fiat of a state Governor, and not the Constitution of the United States, would be the supreme law of the land; that the restrictions of the Federal Constitution upon the exercise of state power would be but impotent phrases." *Sterling v. Constantin*, 287 U.S. 378, 397-398.

It is, of course, quite true that the responsibility for public education is primarily the concern of the states, but it is equally true that such responsibilities, like all other state activity, must be exercised consistently with Federal Constitutional requirements as they apply to state action. The Constitution created a Government dedicated to equal justice under law. The 14th Amendment embodied and emphasized that ideal.

State support of segregated schools through any arrangement, management, funds or property cannot be squared with the amendment's command that no state shall deny to any person within its jurisdiction the equal protection of the laws. The right of a student not to be segregated on racial grounds in schools so maintained is indeed so fundamental and pervasive that it is embraced in the concept of due process of law. *Bolling v. Sharpe*, 147 U.S. 497.

The basic decision in *Brown* was unanimously reached by this Court only after the case had been briefed and twice argued and the issues had been given the most serious consideration. Since the first *Brown* opinion three new justices have come to the Court. They are at one with the justices still on the Court who participated in that basic decision as to its correctness and that decision is now unanimously reaffirmed.

The principles announced in that decision and the obedience of the states to them, according to the command of the Constitution, are indispensable for the protection of the freedoms guaranteed by our fundamental charter for all of us.

Our constitutional ideal, of equal justice under law, is thus made a living truth.

*Dates are listed as released by sources and are sometimes subject to change.*

### Committee Hearings

- Oct. 9, 10 -- PROBLEMS OF INDEPENDENT GLASS DEALERS, Senate Select Small Business, Monopoly Subc., Washington, D.C.  
 Nov. 7, 10, 12 -- WILDERNESS AREA PRESERVATION, Senate Interior and Insular Affairs, Bend, Ore., San Francisco, Calif., and Salt Lake City, Utah.  
 Nov. 17-21 -- TAXATION OF LIFE INSURANCE COMPANIES, House Ways and Means, Internal Revenue Taxation Subc.

### Elections

- Nov. 4 -- State and national general elections.

### Other Events

- Oct. 5-8 -- NATIONAL ASSN. OF FOOD CHAINS, 25th annual meeting, Palmer House, Chicago, Ill.  
 Oct. 5-9 -- NATIONAL INSTITUTE OF GOVERNMENTAL PURCHASING, annual conference and products exhibit, Statler-Hilton Hotel, Boston, Mass.  
 Oct. 6 -- SUPREME COURT, regular session convenes, Washington, D.C.  
 Oct. 6 -- WORLD BANK AND INTERNATIONAL MONETARY FUND, governors conference, New Delhi, India.  
 Oct. 6-9 -- UNITED STONE AND ALLIED PRODUCTS WORKERS OF AMERICA (AFL-CIO), convention, New York, N.Y.  
 Oct. 6-10 -- RAILWAY PATROLMEN'S INTERNATIONAL UNION (AFL-CIO), convention, Chicago, Ill.  
 Oct. 6-11 -- INTERNATIONAL CHEMICAL WORKERS UNION (AFL-CIO), annual convention, Washington, D.C.  
 Oct. 7-9 -- CONGRESS ON BETTER LIVING, 2nd annual meeting, Shoreham Hotel, Washington, D.C.  
 Oct. 8-12 -- INTER-AMERICAN PRESS ASSN., general assembly, Hotel Plaza, Buenos Aires, Argentina.  
 Oct. 9 -- VICE PRESIDENT NIXON, address to Ohio Republican convention, Columbus, Ohio.  
 Oct. 11-15 -- NATIONAL TIRE DEALERS AND RETREADERS ASSN., 38th annual convention, Shrine Auditorium and Exposition Hall, Los Angeles, Calif.  
 Oct. 12 -- PRESIDENT EISENHOWER, address at Columbus Day ceremonies, Columbus Circle, New York City.  
 Oct. 13-17 -- INTERNATIONAL TIMBER MEETING, Geneva, Switzerland.  
 Oct. 13-17 -- BRICKLAYERS, MASONS AND PLASTERERS INTERNATIONAL UNION OF AMERICA (AFL-CIO), annual convention, Atlantic City, N.J.  
 Oct. 13-17 -- MARINE AND SHIPBUILDING WORKERS OF AMERICA (AFL-CIO), annual convention, Cincinnati, Ohio.  
 Oct. 14-16 -- NATIONAL ASSN. OF HOME BUILDERS, women's conference on housing, Washington, D.C.  
 Oct. 16-18 -- NATIONAL EDITORIAL ASSN., fall meeting, Sheraton Hotel, Chicago, Ill.  
 Oct. 16-23 -- GATT, 13th annual session of contract parties to the General Agreement on Tariffs and Trade, Geneva.  
 Oct. 20 -- UNITED BRICK AND CLAY WORKERS OF AMERICA (AFL-CIO), annual convention, St. Louis, Mo.  
 Oct. 20 -- UNITED CEMENT, LIME AND GYPSUM WORKERS INTERNATIONAL UNION (AFL-CIO), annual convention, Seattle, Wash.  
 Oct. 20-Nov. 15 -- SOUTHEAST ASIA DEVELOPMENT, conference of 18 Colombo Plan nations, Seattle, Wash.  
 Oct. 23-26 -- SUPERMARKET INSTITUTE, midyear conference, Ambassador Hotel, Los Angeles, Calif.  
 Oct. 24, 25 -- AMERICAN RAILWAY SUPERVISORS ASSN. (AFL-CIO), annual convention, Chicago, Ill.  
 Oct. 28 -- PRESIDENT EISENHOWER, address to National Football Foundation at establishment of Football Hall of Fame, New York City.  
 Nov. 4-7 -- WE, THE PEOPLE, annual convention, speech by Ralph W. Gwinn (R N.Y.), Chicago, Ill.  
 Nov. 4-Dec. 5 -- UNESCO, 10th general conference of the UN Educational, Scientific and Cultural Organization, Paris.  
 Nov. 6 -- AFL-CIO EXECUTIVE COUNCIL, meeting, Washington, D.C.  
 Nov. 10 -- UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA (AFL-CIO), annual convention, St. Louis, Mo.  
 Nov. 10-12 -- GROCERY MANUFACTURERS OF AMERICA INC., annual meeting, Waldorf-Astoria Hotel, New York, N.Y.  
 Nov. 12-16 -- NATO, 4th annual parliamentary conference, Paris.  
 Nov. 17-18 -- AMERICAN BANKERS ASSN., 7th national agricultural credit conference, Sheraton Fontenelle Hotel, Omaha, Neb.  
 Nov. 17-19 -- NATIONAL FOREIGN TRADE COUNCIL, 45th national convention, Waldorf-Astoria Hotel, New York, N.Y.  
 Nov. 19-21 -- NATIONAL RECLAMATION ASSN., 27th annual meeting, Rice Hotel, Houston, Texas.  
 Nov. 24, 25 -- NATIONAL CONFERENCE ON METROPOLITAN GROWTH, sponsored by the Chamber of Commerce of the U.S., Sheraton-Park Hotel, Washington, D.C.  
 Nov. 25 -- National corn price support referendum.  
 Dec. 8-11 -- VEGETABLE GROWERS ASSN. OF AMERICA, annual convention, Hotel Cleveland and Public Auditorium, Cleveland, Ohio.  
 Dec. 13 -- NATIONAL FOOD BROKERS ASSN., national food sales conference, Chicago, Ill.





# The Week In Congress

**This Could Hurt** President Eisenhower may have lost his party a barrelful of votes by vetoing the Douglas-Payne "depressed areas" bill Sept. 6. The bill's Republican sponsor, Sen. Frederick G. Payne, was buried in an avalanche of Democratic votes in Maine's early election two days after the veto message. So was Rep. Robert Hale, a House backer of the bill. In at least eight other districts with substantial chronic unemployment, resentment of the veto could defeat Republican candidates in November. (Page 1251)

## Passport Hassle

A bruising Congressional battle over U.S. passport policy is shaping up for 1959. The issue is how much power the State Department should have to withhold passports from Communists and fellow travelers. The Supreme Court June 16 knocked out departmental regulations barring passports to individuals solely because they were Communists. An Administration bill to restore that power, marked "urgent" by the President, passed the House but died in the Senate this year. In January the President again will ask Congress to give the State Department the passport authority killed by the Court. (Page 1252)

## "The Loyal Opposition"

An advertisement placed in the New York Times by investment banker James P. Warburg is paying big dividends for citizens opposing President Eisenhower's Quemoy-Matsu policy. The ad said the President's policy was in error, asked citizens who agreed to make their voices heard. The result was the formation of groups in St. Louis, Des Moines, Boston and other cities. Their purpose was to organize a "loyal opposition," as one participant put it, to the President's position. Meanwhile, Theodore Francis Green, Senate Foreign Relations Committee chairman, sharply criticized the President's policy. (Page 1257, 1261)

## Sabotage at State?

When the State Department released figures showing that 80 percent of the mail on the Formosa issue opposed current U.S. policy, Vice President Richard M. Nixon said the officials who released the information were trying to sabotage and subvert the position of Secretary of State John Foster Dulles. Democratic critics of Dulles promptly blasted Nixon's charge. Dulles later said he didn't think sabotage was intended. (Page 1262)

## The Court Speaks

With schools still closed in a number of areas, the Supreme Court issued its formal opinion in the Little Rock desegregation case. Signed by all nine justices, the opinion said local hostility to desegregation could not be accepted by lower Federal courts as a reason for delaying desegregation. Furthermore, the Court said, talk that the decisions of the Supreme Court could be flouted was absolutely incorrect: the Constitution made the Court the final interpreter of the law. (Page 1254, 1257)

## President Meets Press

Back from his vacation, President Eisenhower Oct. 1 held his first full press conference since late August, and he had plenty to say. Integration? All public officials and private citizens are obligated to obey the courts. Formosa? It's not just a matter of two little islands. Right-to-work laws? The business of the states, if they want them. Sherman Adams? The President had not asked him to resign. Republican election prospects? If all registered Republicans voted there would be no trouble. (Page 1263)

## Cease-Fire

With political bombs bursting on all sides of it, the House Legislative Oversight Subcommittee packed its kit and went home until after the elections. Chairman Oren Harris said he didn't want anyone to construe as "political" testimony that might have come up. At least one person -- Republican National Chairman Meade Alcorn -- already had reached his own conclusions. Alcorn, after two prominent Democrats were mentioned in testimony, then "cleared" by Harris, said cancellation of the hearings was an attempt to help Democratic nominees. (Page 1260)